

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:19-CV-272-LCB-LPA

MAXWELL KADEL, JASON FLECK,
CONNOR THONEN-FLECK, by his next
friends and parents, JASON FLECK AND
ALEXIS THONEN, JULIA MCKEOWN,
MICHAEL D. BUNTING, JR., C.B., by
his next friends and parents, MICHAEL
D. BUNTING, JR. and SHELLEY K.
BUNTING, and SAM SILVAINE,

Plaintiffs,

v.

DALE FOLWELL, in his official capacity
as State Treasurer of North Carolina, DEE
JONES, in her official capacity as
Executive Administrator of the North
Carolina State Health Plan for Teachers
and State Employees, UNIVERSITY OF
NORTH CAROLINA AT CHAPEL
HILL, NORTH CAROLINA STATE
UNIVERSITY, UNIVERSITY OF
NORTH CAROLINA AT
GREENSBORO, and NORTH
CAROLINA STATE HEALTH PLAN
FOR TEACHERS AND STATE
EMPLOYEES,

Defendants.

**UNIVERSITY DEFENDANTS’
CONSENT MOTION FOR
SECOND EXTENSION OF TIME
TO ANSWER PLAINTIFFS’
COMPLAINT**

PURSUANT TO Fed. R. Civ. P. 6(b) and Local Rule 6.1, Defendants University of North Carolina at Chapel Hill, North Carolina State University, and The University of North Carolina at Greensboro (collectively the “University Defendants”), hereby request a

second extension of time in which to answer Plaintiffs' Complaint for Declaratory, Injunctive, and Other Relief. In support of this motion, University Defendants state the following:

1. By text order entered March 20, 2020, this Court granted a motion by the University Defendants for additional time to answer Plaintiffs' Complaint. The University Defendants' current deadline to answer is April 24, 2020, which has not yet passed.

2. Contemporaneous with this motion, undersigned counsel filed a Notice of Substitution of Counsel entering her appearance on behalf of the University Defendants. As stated in that Notice, prior counsel for the University Defendants has relocated to Utah to begin employment with the Utah Attorney General's Office in the position of Assistant Solicitor General.

3. Although undersigned counsel has worked diligently to educate herself on the procedural history and claims at issue in this matter, she reasonably requires additional time to confer with the University Defendants regarding their Answer to Plaintiffs' Complaint. Counsel's ability to confer with the University Defendants and prepare an Answer has been complicated by the current COVID-19 health crisis and the remote working conditions of both undersigned counsel and the University Defendants.

4. Likewise, undersigned counsel is working diligently to meet other pressing demands, deadlines, and responsibilities in the midst of a global state of emergency. The ongoing health crisis constitutes good cause for an allowance of additional time, which will

enable the University Defendants and counsel to more accurately respond to Plaintiffs' claims and better preserve the University Defendants' rights and interests.

5. In addition, undersigned counsel anticipates that her colleague, Assistant Attorney General Zachary Padget, also will be entering his appearance on behalf of the University Defendants. Mr. Padget is currently on parental leave, and is expected to return to work on April 23, 2020.

6. The University Defendants do not seek an extension for any improper purpose.

7. Undersigned counsel has conferred with Plaintiffs' counsel regarding this requested extension of time. Plaintiffs' counsel has indicated that Plaintiffs consent to the requested extension.

WHEREFORE, the University Defendants request that the Court grant them an extension of 31 days, to and including May 25, 2020, in which to serve their Answer to Plaintiffs' Complaint.

Respectfully submitted, this 22nd day of April, 2020.

JOSHUA H. STEIN
Attorney General

/s/Nora F. Sullivan

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University, and The University of North
Carolina at Greensboro*

CERTIFICATE OF SERVICE

I certify that the foregoing University Defendants' Consent Motion for Second Extension of Time to Answer Plaintiffs' Complaint was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

This 22nd day of April, 2020.

/s/Nora F. Sullivan

Nora F. Sullivan

Assistant Attorney General